

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In Re:

KELLY DAWN SCHIMMEL

Debtor.

**Case No. 12-10411-NLJ
Chapter 13**

**MOTION TO DISMISS CASE FOR FAILURE TO PAY
PLAN PAYMENTS COMBINED WITH BRIEF IN SUPPORT
AND NOTICE OF OPPORTUNITY FOR HEARING**

COMES NOW John Hardeman, Chapter 13 Trustee ("Trustee"), and files his Motion to Dismiss the above-styled Chapter 13 case pursuant to provisions of 11 U.S.C. Section 1307(c). In support of his Motion, the Trustee would show the Court the following:

1) This bankruptcy case was filed under Chapter 13 on February 5, 2012, and a plan was confirmed by this Court on March 20, 2012. Pursuant to the confirmed plan, the debtor is required to pay monthly plan payments in the amount of \$442.00. The debtor has failed to pay all required plan payments, and is \$1,390.00 delinquent as of October 24, 2014.

2) Section 1307(c)(6) of the Bankruptcy Code provides the Court may dismiss a case for cause, including a material default with respect to a term of a confirmed plan. The failure of the debtor to pay required plan payments constitutes a material default warranting dismissal of the case.

WHEREFORE, for the reason stated above, the Chapter 13 Trustee requests the Court dismiss this Chapter 13 case pursuant to the provisions of 11 U.S.C. Section 1307(c).

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

Respectfully submitted,

s/John Hardeman

John Hardeman, Trustee
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CERTIFICATE OF MAILING

This is to certify that on October 27, 2014, a true and correct copy of the foregoing document was served by U.S. Mail, first class, postage prepaid, on the following:

KELLY DAWN SCHIMMEL
18 KIOWA
SHAWNEE, OK 74801

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPER
PO BOX 7346
PHILADELPHIA, PA 19101

JEFFERSON CAPITAL SYSTEMS, LLC
PO BOX 7999
SAINT CLOUD, MN 56302

MIDWESTERN LOAN
728 N HARRISON
SHAWNEE, OK 74801

OAK HARBOR CAPITAL
% WEINSTEIN & RILEY
2001 WESTERN AVE STE 400
SEATTLE, WA 98121

s/John Hardeman
John Hardeman, Trustee

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